

**United States Court of Appeals
For the First Circuit**

2006 JAN 26 P 12:31

No. 06-1117

MICHAEL CAPUTO

Petitioner – Appellant

v.

**KENNETH NELSON, Superintendent,
Bridgewater State Hospital,**

Respondent – Appellee

MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

Now comes the defendant in the above matter and hereby moves this Honorable Court for leave to appeal in Forma Pauperis.


As reason therefore the defendant states through counsel, that he is without the funds necessary to pay for the instant appeal.

On 11-2-89 the defendant was arrested and charged with two counts of first degree murder. On 3-21-91, after a trial, the jury returned a verdict of guilty on both indictments. The defendant was sentenced to two consecutive life sentences and has been in custody since 11-2-89.

WHEREFORE, the defendant moves this motion be allowed.

Michael Caputo,
Petitioner-Appellant

By His Attorney,


John J. Courtney BBO#102460
90 Salem Street
Malden, MA 02148
781-321-5700

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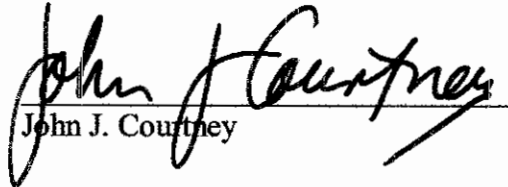
Respondent – Appellee

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

Now comes John J. Courtney, attorney for the defendant, who hereby states and deposes:

1. The defendant's family provided retained counsel (not this writer) for the trial of the case.
2. Following conviction and sentence the defendant was adjudged indigent and counsel was appointed.
3. At all times since the verdict and sentence, the defendant has been represented by appointed counsel.
4. This writer is appointed counsel authorized by CPCS to pursue this federal habeas corpus petition.
5. Attached is the defendant's affidavit of indigency.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 26TH DAY OF
JANUARY 2006.


John J. Courtney

FILED
CLERK'S OFFICE

2006 JAN 26 P 12:32

CERTIFICATE OF SERVICE

DISTRICT COURT
DISTRICT OF MASS.

I hereby certify that a true copy of the
below listed documents was served upon Asst. Atty. Gen.
Attorney General Maura D. McLaughlin, the
attorney of record for the respondent, by
first class mail, postage prepaid on 1-26-06.

Motion To Appeal In Forma Pauperis

Affidavit of counsel

Affidavit of Michael Caputo

Docketing Statement

Appearance Form